

especially our country—cannot turn its head. We know what we produce in great abundance has value. It has value to help people around the world who are starving.

Again, thanks to Roger Thurow, a reporter who is in Swaziland, for telling us specifically about the ravages of this famine, what it is doing.

We just talked about AIDS in legislation we passed recently. President Bush is in Africa talking about AIDS. The fact is, this famine relates directly to AIDS. These children are hungry. These children are starving—not because it didn't rain but because they have nothing to eat. Their parents are dead. The cattle are dead.

So if we can do this small amount through this amendment I have offered for myself, Senator DASCHLE, and Senator LEAHY, if we can add to this \$500 million, half of which was taken out in conference—if we can add the money to make that whole once again, there will be bags of food going to these villages to feed hungry people and our country will do something, again, that not only makes us proud but represents the best of this great country of ours.

I thank Senator LUGAR and Senator BIDEN and my colleagues, Senators DASCHLE and LEAHY. We deeply appreciate this amendment being accepted by the Senate today.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE BRANCH APPROPRIATIONS, FISCAL YEAR 2004

Mr. CAMPBELL. Mr. President, I ask unanimous consent we turn to consideration of H.R. 2657, the legislative branch appropriations bill; that the text of the bill relating solely to the House remain; that all other parts of the text be stricken; and the text of the Senate bill, S. 1383, be inserted; and that no points of order be waived by this order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

Mr. CAMPBELL. Mr. President, I am pleased to bring to the full Senate the legislative branch spending bill for fiscal year 2004. I appreciate the support of the Full Committee Chairman Senator STEVENS and Ranking Member Senator BYRD, and assistance of my ranking member, Senator DURBIN, in this process.

This is my first year as chairman of this subcommittee, and I believe Senator DURBIN and I have done our best to craft this bill to meet the highest priorities of the legislative branch with an allocation that is \$190 million below the request level. Chairman STEVENS knows I am not complaining about the allocation—he has been very generous in this allocation given the very tight constraints the committee faces.

The bill totals the allocation level of \$3.6 billion in budget authority.

Most agencies and programs have been kept to current staffing levels, with full funding recommended for normal pay and price level increases.

Increases above the current level have been provided in a few key areas, particularly security.

I would like to review the highlights of the bill for my colleagues. For the Capitol Police, funding totals \$240 million. The amount recommended would enable them to have on board by the end of the year 1,771 police officers, in keeping with security recommendations made by law enforcement experts. I believe this is prudent and necessary to ensure adequate security for the Capitol complex.

Having been in law enforcement myself, I am keenly interested in making the U.S. Capitol Police the premiere law enforcement agency in this country, and the funds we have recommended help move them in this direction with resources directed at not only increasing the force size, but improving the administrative infrastructure of the agency to ensure it is managed properly, and adding important new programs such as a mounted horse unit.

For the Architect of the Capitol, funds total \$358 million, which is \$89 million below the request, owing to the deletion of several major projects which should be deferred until completion of the Capitol Visitor Center—the highest Architect of the Capitol priority at this time.

Our recommendation includes \$47.8 million for the Capitol Visitor Center, which represents the General Accounting Office's estimate—in conjunction with an independent consultant with expertise in construction cost estimating—of the cost to complete the project.

Some have called for cutting corners on the project rather than appropriating the funds needed to get the job done right. I don't agree. I am new to this project but I am a big supporter. It promises to enhance security for the Capitol complex, while also ensuring a much better educational experience for visitors who come to the Capitol.

This Visitor Center was planned and preliminary work was done before 9/11. No one could have predicted that changes would have to be made after 9/11 because of an increase in the security requirements.

While there have been some problems with this project to date, and some cost overruns due to unforeseen site

conditions and unexpected costs related to utility work, we plan to monitor the project closely to ensure that costs are kept under control, the schedule is adhered to, and quality is not jeopardized.

Moving on to the Library to Congress, there is a total of \$523 million included in the bill, \$19.6 million above the FY03 level but \$17 million below the request. Funds are reduced from several program areas slated for increases, owing to budget constraints, but the Veterans History Project is fully funded at the increased level of \$1.3 million and no program is cut below current levels.

For the Senate, a total of \$718 million is recommended, \$27.9 million below the request. Reductions are primarily from the Sergeant at Arms' projects which can be deferred until FY05.

To my knowledge, there have been no amendments filed on either side of the aisle for titles I and II.

Mr. STEVENS. Mr. President, we are awaiting the Senator from Nevada.

Let me state for the Senate that it would be my intention to move to close debate and consideration of any further amendments to title I and title II following the statements of the two managers of the bill. We have no notice of any amendments by any Member wishing to offer to title I or title II. Title III is the portion of the bill that contains the supplemental provisions and that will be open to debate.

We will later ask consent that all amendments and all motions to title III be offered tonight and debated tonight with the votes to occur on any matters which will be brought to a vote tomorrow morning. That is not the agreement yet but that is the agreement we will seek.

I yield the floor.

Mr. REID. Mr. President, I would be happy to agree to that at this time. I agree that titles I and II be closed and I be allowed to give a statement in support of the bill itself with no amendments in order to titles I and II.

Mr. STEVENS. Mr. President, if the distinguished Senator from Nevada would allow us, we just put out the hotline on both sides. I want to make sure no one has objections until we get final consent.

Mr. REID. Mr. President, one of the most pleasurable times of my Senate career was the 4 years that I served as chairman of the Appropriations Subcommittee on Legislative Branch. Working with Senator NICKLES and Senator SLADE GORTON of Washington, we were able to accomplish that which really had a meaningful impact on this body.

When Senator DURBIN, who is tied up, as he should be, in the most important asbestos legislation now before the Judiciary Committee, asked me if I would cover this bill for him today, I am doing it with pleasure because it brings back memories of working on this bill.

We did good things for the Library of Congress. I still have a very close personal relationship with Jim Billington

as a result of what we were able to accomplish in some very difficult times for the Library of Congress.

The Library of Congress is the greatest library in the history of the world. Today, the Library of Congress is the greatest library in the history of the world. It is as a result of what we as a Congress did. We provide money for that.

The General Accounting Office, which is funded through this bill, is the watchdog of Congress for the American people. It has done remarkable things. It is a nonpartisan organization that does so much good. Yet we have cut back the money I think they need. I wish we had more money to give them.

Much of the work is done directly through the committee chairman and the subcommittee chairman. Previously, it was effectively by all Members of Congress.

I think the work I was able to do with my counterparts for the Capitol Police was very important. I don't know, there may be another Member of Congress who was a Capitol policeman. I don't know of one. But I was a Capitol policeman. I worked a swing shift. I came at work at 3 or 4 in the afternoon. I worked 6 days a week. I went home after midnight every night. That is how I put myself through law school. I acknowledge that I wasn't as well trained and the times were not as difficult as they are now. But I was still a Capitol policeman. I am proud to have in my office up on the third floor in the Capitol my badge, No. 236. But I am very proud to be an alumni of U.S. Capitol Police Force.

I am pleased to do this for my friend, the distinguished Senator from the State of Illinois, who is such a good Senator and who has done a remarkably good job in his tenure on this committee, this his second go-around as chairman of this committee.

I echo the thoughts of the chairman of the Subcommittee on Legislative Branch, my friend from the State of Colorado, Senator CAMPBELL.

The bill before us today is comprehensive, thorough, and fair, especially in light of the tight funding constraints we are under this year. This is one of the 13 subcommittees. I wish we had more money. It could be used. There are many things that we need to do that we are not able to do.

As has been pointed out, there are a number of things that this subcommittee is doing and has done.

I want the RECORD to reflect and I want the chairman of the subcommittee to know how much I support the work on the Visitor Center. The record is quite clear that I started supporting this when I was chairman of the Legislative Branch Subcommittee. I am sorry to say, I, alone, was unable to get this done. The real impetus for accomplishing this was the tragic death of two Capitol Police officers. But for their deaths, we would not have been able to be in the position we are now in with this Capitol Visitor Center. But we are here.

We have had complaints from some of my friends, as a matter of fact, who serve in the Congress of the United States, who complain about the funding for this not being adequate, the original number. Well, any one of us who drives through here sees the tremendous engineering feat that is taking place in the front of this historic building. It is a huge job. I go out at least once a week and watch them. I suggest every Member of Congress go out and watch what they are doing out there.

Why are they doing it? To make this Capitol safer than it was before this facility began to be built. To make it more convenient for people who want to visit the Capitol. In the summer and winter, when people want to come to this building, they stand outside. There is no place for them to go to the bathroom. There is no place for them to get a drink of water or have a snack.

The Visitor Center is going to provide that. It will also allow security checks to be made so people don't come into the Capitol carrying things they shouldn't carry and doing bad things to people they shouldn't do.

So I want the chairman of this subcommittee to know that I am on board. I will defend, in any way I can, the work that is being done in front of this building. It is important for our country.

When I first got this subcommittee, I could not believe the east front of the Capitol of the United States was a parking lot, a blacktop parking lot. We were able to do a few things and get the cars moved off slowly but surely. That was a struggle. But I will do whatever I can to make sure this Capitol Visitor Center is completed and is as nice as the Capitol itself. We want the Visitor Center to be as nice as the Capitol itself.

If the people in charge—namely, the Architect of the Capitol—are allowed to go forward, it will be as nice as the rest of the Capitol. It will be something of which we can all be proud. And people coming here, who will be able to walk into this beautiful Capitol, will be able to see films of the Capitol itself. They will be able to pick up tour guides there. There will be a place for them to go to the bathroom or have a sandwich, if they want one, buy souvenirs. And they will not be asking: The Capitol of the United States, this ugly blacktop with cars parked all over it? That is going to change. So I am happy to lend my voice as a cheerleader for the Capitol improvement we will have out front.

I am glad to see this bill includes \$33 million over last year's level for the Capitol Police. Again, that probably isn't enough, but by the end of fiscal year 2004, the Capitol Police will have 500 more officers than they did on September 11, 2001—not enough but certainly a step forward.

So, Mr. President, I am talking far longer than I should have. But I really do have some sentimental attachment

to this bill. It is not often I think of it, but the subway we ride from the Hart Building over to here is something I was able to work on when I was chairman of this Legislative Subcommittee. And we did not do it all at once. In fact, we put a little bit here and a little bit there, and pretty soon we had enough money to take care of the subway. It was \$16 million.

The reason I worked so hard on that: I can remember the old cars you can still see going to the Russell Building. A man in a wheelchair tried to get in that old subway car. He couldn't do it. They brought him up there and put his legs—he was having spasms in his legs. They couldn't do it. They couldn't put him up there, no matter how hard they tried. Now someone in a wheelchair just moves into the subway car, no problem at all.

So, again, Mr. President, I have talked too long on this most important legislation we have before us. But I am proud of the years I spent working on the Legislative Branch Subcommittee. And I say to my friend from Colorado, he has been a member of the Appropriations Committee for some time, and I know he has been involved in other subcommittees, and there have been some changes made, and this is the first year he has been chairman of this subcommittee.

I say to the Senator, I hope you will look back on your service on this subcommittee with feelings as I have for what I really believe is the good that comes from this subcommittee. It was—I repeat for probably the third time—a joy to work on this subcommittee. I look back with such fond memories at the time I was able to spend on it. And, frankly, I am kind of glad Senator DURBIN was tied up so I could reflect on my service as a Senator working on this subcommittee.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Let me say, in closing, I certainly appreciate my friend's support. We have a great deal in common. We both have sports backgrounds. We are both westerners. We both have law enforcement backgrounds. So we have worked on a good number of things together. And his voice in support of this bill is really appreciated.

I guess he recognizes, as I do, that although many people in America do not know very much about this bill, everyone who comes to the United States Capitol, sooner or later, is affected by the money that is in this bill.

I know, as my friend knows, there were many times we came to the Capitol—before that hole was in the ground out there—in the wintertime, with drizzling rain, drizzling freezing rain, and there would be people lined up out on the tarmac, the blacktop, shivering, freezing, just waiting for a chance to get in to watch these proceedings. That is not right.

When we get done with this Capitol Visitor Center, as my friend and colleague from Nevada said, they are

going to have a place to learn a lot more about their Capitol and the institution in which we now serve. I think we will all be better served by finishing this Visitor Center.

I just want to tell the Senator from Nevada how much we appreciate his support.

I have no further comments, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we have not had any response to the request concerning title I and title II. So at this time, I ask unanimous consent that title I and title II be considered closed and not be available for amendments or motions or points of order or any action at all as we consider the rest of this bill. That leaves title III which is the supplemental portion available completely for consideration of the Senate.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, without objection, it is so ordered.

Mr. STEVENS. Mr. President, I call to the attention of the Members of the Senate that in this bill we have before us now—the House bill, as amended by the Senate bill—we have title III which deals with supplemental emergency appropriations for 2003.

In this bill is \$1.550 billion for the Department of Homeland Security for disaster response. It is estimated that the disaster relief fund will exhaust its current funding by the end of this month, July 2003, in part due to the higher than expected costs for disaster relief, including funding for tornadoes and winter storms. These additional resources are needed to continue to provide necessary emergency assistance.

There is also a NASA provision that provides an additional \$50 million for the National Aeronautics and Space Administration. These funds will cover additional and unanticipated costs associated with the recovery and investigation of the Space Shuttle Columbia accident, such as collection and reconstruction of the orbiter Columbia, and computer analyses of potential failure scenarios and impact testing of space shuttle wing components.

We also have an amount in this bill for firefighting. We ask the Senate to provide an additional \$253 million to the Forest Service for wildland fire suppression and emergency rehabilitation of burned areas to ensure sufficient funding for the 2003 fire season.

We also ask for an additional \$36 million for the Bureau of Land Management for wildland fire suppression and emergency rehabilitation of burned areas to assure that sufficient funding is available for the 2003 fire season.

These funds will bring the total fiscal year 2003 funding available for wildlife suppression to a level equal to the 10-year average, which includes the severe 2002 fire season.

I am on notice there are several amendments we will be considering. I

ask my friend and colleague from West Virginia if he has any opening statement to make concerning the supplemental request in this bill?

Mr. BYRD. I have none.

Mr. STEVENS. I thank the Senator.

I know the Senator from Nevada has an amendment I join in offering. I remarked today at the hearing that we had in the Appropriations Committee on the Interior appropriations bill, 2.2 million acres of my State burned last year. We have a series of very devastating fires going already. One of the worst problems we have is the infestation of insects in trees that now have been dead for a couple of years. If a fire starts in those areas now, we will have a catastrophe of unknown size. I join the Senator from Nevada in offering an amendment to provide additional funds to deal with fire prevention as well as the firefighting amendments we have in the bill already.

I yield to the Senator from Nevada.

The PRESIDING OFFICER. The assistant Democratic leader.

#### AMENDMENT NO. 1201

Mr. REID. Mr. President, the distinguished President pro tempore of the Senate is very kind. I send an amendment to the desk on behalf of Senators STEVENS and REID for Senator FEINSTEIN and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mrs. FEINSTEIN, Mr. DASCHLE, and Mr. STEVENS, proposes an amendment numbered 1201.

The amendment is as follows:

(Purpose: To appropriate an additional \$25,000,000 for emergency actions to reduce the threat to human safety arising from the threat of catastrophic fire in dead and dying trees)

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) ADDITIONAL AMOUNT FOR CO-OPERATIVE FORESTRY ASSISTANCE.—The amount appropriated by title \_\_\_\_ of this Act under the heading “\_\_\_\_\_” is hereby increased by \$25,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by title \_\_\_\_ of this Act under the heading “\_\_\_\_\_”, as increased by subsection (a), \$10,500,000 shall be available for emergency actions to reduce the threat to human safety in areas declared under a State of Emergency by the Governor of any State due to the danger of catastrophic fire from dead and dying trees including—

- (1) clearing of evacuation routes;
- (2) clearing around emergency shelter locations;
- (3) clearing around emergency communication sites; and
- (4) clearing buffer zones around highly populous communities in order to prevent fire sweeping through such communities.

Mr. REID. Mr. President, I am confident and hopeful that the committee can work something out on this matter before final passage. Senator FEINSTEIN is heavily engaged. She is an important member of the Judiciary Committee. She has been involved in that every

step of the way. This is legislation that involves so many very important issues. It really would have been very hurtful to the committee and the movement of that legislation not to have Senator FEINSTEIN come over here and offer this amendment. As a result of that, during the last vote, she spoke to Senator DASCHLE and me and asked if we would cover her. This is something I am very happy to do, knowing how strongly she feels about this and the difficult problems that exist in California with the beetle problem. Senator STEVENS has indicated that exists all over the country. This amendment will maybe not take care of everything but will take care of a lot of it. I hope the committee would strongly consider the amendment prior to final passage of the bill.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Nevada for sending the amendment of Senator FEINSTEIN at my suggestion. The amendment will make money available for a fund that is depleted. That fund is available under this amendment to fulfill the request or attempt to fulfill the request of the Governor of any State to deal with the trees that are dead or dying because of infestation of these beetles. They are not all the same types of beetles but the result is the same. Dead timber is nothing but fuel for an enormous fire, if one gets started in the area of that. That happened in what we call the Millers' Reach fire north of Anchorage. I personally watched it from a helicopter. The sinuosity of that fire just followed right through the dead areas. Then it came back to burn the whole area. Once it started, the fire just kept burning out.

I think the answer is to try to deal with the dead trees as quickly as possible and protect particularly the developed areas as much as possible from these areas. This amendment will allow Governors of any State to request funds to deal with that. Again, this is 2003 money. We are not talking about an enormous sum. This is money for the balance of this year. We hope the bills for 2004 that will come before the Senate later will adequately cover all those items. I join the Senator from Nevada and hope the Senate will approve this amendment. I ask for its consideration.

The PRESIDING OFFICER. Is there further debate?

The Senator from Louisiana.

Ms. LANDRIEU. Reserving the right to object, Mr. President, I want to be very helpful here on Senator FEINSTEIN's amendment because I am sure it is going to a very worthy cause. But I want to ask the chairman, since it is attempting to put money into an account that is depleted, the amendment I am going to be offering will also put money into an account that is depleted, that is empty, for a different purpose but for the same effort, because there is a real problem of levee

rates in Louisiana. I hesitate to object to the amendment or to even oppose it, because I don't oppose what we are trying to do. But I do oppose adding money to a depleted account when we don't seem to be able to add money for an account that is depleted.

Mr. STEVENS. If the Senator would check with her staff, I have already cleared her amendment with regard to moneys to go into that account in a similar way we have done for this beetle problem.

Ms. LANDRIEU. I thank the Senator.

Mr. STEVENS. I ask for adoption of the amendment.

Mrs. FEINSTEIN. Mr. President, there are now as many as 415,000 acres of dead and dying trees on the San Bernardino and Cleveland National Forests and surrounding private lands as the result of drought, decades of fire suppression, and a bark beetle infestation.

Jack Blackwell, the Regional Forester for California, has described this situation as an unprecedented threat to public safety.

There are large mountaintop communities with over 90,000 people total, communities that are completely surrounded by thousands and thousands of dead trees. In addition, the only escape routes are narrow winding mountain roads which are themselves surrounded by dead and dying trees.

The result is that thousands of lives are at risk.

There is some good news, in that San Bernardino National Forest and California Department of Forestry staff agree on the four highest priority tasks to reduce the threat to public safety.

First, they want to clear evacuation routes from the mountain communities. This involves clearing a corridor on either side of major escape roads so people can escape from their communities without being blocked by fallen trees, or the radiant heat of the fire.

Second, they want to clear trees around safety zones like elementary schools and camps. This gives people a place to go if they can't get out of the community.

Next they want to clear brush around communication sites in the forest to communicate with the public and emergency responders.

Finally, they want to clear buffer zones around populous communities, protecting thousands of lives.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1201) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1200, AS MODIFIED

Mr. HARKIN. Mr. President, I call up amendment No. 1200 and send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Ms. MIKULSKI, proposes an amendment numbered 1200, as modified.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To transfer education funds that would otherwise lapse to the Title I Grants to LEAs program)

At the appropriate place, insert the following:

Notwithstanding any other provision of law, during the period from September 1 through September 30, 2003, the Secretary of Education shall transfer to the Education for the Disadvantaged account an amount not to exceed \$4,353,368 from amounts that would otherwise lapse at the end of fiscal year 2003 and that were originally made available under the Department of Education Appropriations Act, 2003 or any Department of Education Appropriations Act for a previous fiscal year: *Provided*, That the funds transferred to the Education for the Disadvantaged account shall be obligated by September 30, 2003: *Provided further*, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress of any such transfer.

*Provided further*, Any amounts transferred to the Education for the Disadvantaged account pursuant to the previous paragraph shall be for carrying out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, and shall be allocated, notwithstanding any other provision of law, only to those States that received funds under that subpart for fiscal year 2003 that were less than those States received under that subpart for fiscal year 2002: *Provided further*, That the Secretary of Education shall use these additional funds to increase those States' allocations under that subpart up to the amount they received under that subpart for fiscal year 2002: *Provided further*, That each such State shall use the funds appropriated under this paragraph to ratably increase the amount of funds for each eligible local educational agency in the State that received less under that subpart in fiscal year 2003 than it received under that subpart in fiscal year 2002: *Provided further*, That the Secretary shall not take into account the funds made available under this paragraph in determining State allocations under any other program administered by the Secretary in any fiscal year.

Mr. HARKIN. Mr. President, this is a very simple, fully offset amendment that will restore a cut in title I funding to three States without harming or hurting any other State.

The fiscal year 2003 Labor-HHS appropriations bill that Congress passed in February included a 13 percent increase for title I, the most important Federal program in the No Child Left Behind Act. At the time the Congressional Research Service projected every State would receive a sizable increase over the previous year. But 4 months after the bill was passed, new data from the 2000 census showed that three States would actually get less title I money in fiscal year 2003 than they did in fiscal year 2002. Those three States are Iowa, Maryland, and Michigan. Their total cut in title I funding is \$4.4 million.

The Congress did not intend for any State to get a cut in title I. I recently had a meeting with Secretary Paige about this matter. We had a full and frank discussion. He agreed to find an offset from Education Department funds that would otherwise lapse at the end of the fiscal year. Again, let me make it clear, none of the title I money in this amendment will come from any other State. It is fully offset by Education Department funds that will not otherwise be spent. Secretary Paige has signed off on the amendment. So has Senator SPECTER, chairman of the Labor-HHS Appropriations Subcommittee. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am informed this amendment has been discussed with the Department of Education and at this time, the best I can say is I am willing to accept the amendment and take it to conference. This is the first time we have seen the amendment, and it is somewhat complicated. But it goes to a point I understand Secretary Paige has discussed with the Senator from Iowa and it does affect three States. I cannot commit that it will absolutely come out of conference, but I will do my best to hold it. Right now, not having any further information than I have just received, I believe it is worthy of the Senate adopting the amendment so we can take it to conference. And we will work with the Senator from Iowa if there are any comments that come from the administration in the meantime.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. I urge that the amendment be accepted.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1200), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous to speak as in morning business to pay tribute to some Californians who were killed in Iraq. It will probably take no more than about 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. BOXER are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask the managers if I may speak for a moment about pending amendment. I don't want to call it up at this point. I would like to talk about it for a few minutes.

The PRESIDING OFFICER. The Senator has a right to discuss any matter she wants to.

Ms. LANDRIEU. Mr. President, as we are still working on the amendment, I hesitate to call it up at this point. I

want to talk for a moment about why this amendment is so important. I think what the Senator from Alaska is doing is extremely important, and I commend the administration for putting forth a bill that really helps to address some very serious problems in our Nation because the emergency accounts are depleted.

There are many emergencies occurring in our Nation, from fires to tornadoes. People's lives and homes are at risk. If the Federal Government doesn't act and do it quickly and appropriately, tremendous hardships and difficulties can result. So I am 100 percent supportive, and so are the people in my State, just as is every State that suffers from natural disasters.

I am having a difficult time understanding why there is some hesitation—and the chairman has been very cooperative—to fund or to ask for money to fund the emergency fund—not a nonemergency fund, but an emergency fund that is completely empty. There is no money left in this account. It is a very important account not just for Louisiana, but for Mississippi, Alabama, Florida, Georgia, California, and for all the States in the Union. It is the only account in the Federal Government that allows the Corps of Engineers to fix the levees when they are damaged in anticipation of a great storm that might come, and to prevent the loss of property damage. So we can save money in the bill by providing a little bit of maintenance on these levees. This account is empty.

I am asking for whatever the chairman and the Members of the Senate think we can afford—whether it is \$20 million, \$30 million, \$40 million—to get us through the end of the year so we are prepared when the storms come. And they will come, hurricanes will come.

We just had a pretty tough storm last weekend. There is one out in the gulf as we speak. If I had time, I could put up a chart that shows where it is. There will be storms, and it is predicted to be a very difficult season. We hope and pray and prepare. But the account that helps us to prepare is empty. There is not a dime in this account. Let me repeat. The account that helps the Corps of Engineers prepare levee systems for the whole country—not just Louisiana—is empty.

We are getting ready to pass a bill to protect us from emergencies. Yet this account is empty. I am asking the Senate to not pass this bill without putting some money into this account so that we can build up the levees in anticipation of storms—not after a storm has come through and wreaked hundreds of millions of dollars of damage, but before the storm hits, to be able to repair the levees that have been weakened by rain or by storms that are not hurricanes, tropical storms, or storms that don't rate to be a hurricane, and to prepare the levees to prevent the taxpayers from having to pick up a bigger tab.

That is why I want to spend a few minutes talking about this issue and asking the Senate for its attention. If we can find \$25 million to help fund disasters that occur because of dead trees, I think we can find at least half of that money somewhere to preserve the levy system in the country that protects billions and billions of dollars of infrastructure everywhere, not just in Louisiana.

As the chairman and staff are considering what to do, I hope we can find a certain amount of money to make sure we get through the end of the fiscal year or get through a period where on another bill, perhaps energy and water appropriations, we can add some money.

Whether \$10 million or \$20 million is enough, I do not know. Perhaps the Corps of Engineers which is engaged in this debate can give us some idea, based on weather predictions and patterns, determine what amount will be enough to help us.

This is a huge issue for Louisiana, and it is a big issue for all the States. My people are afraid. They are frightened. The phone has been ringing off the hook because of the storm from last week. When I called the Corps of Engineers, which I typically do after a storm, and said, Could you please send some crews to help us with the levees, the people are very frightened, they said to me: Senator, there is no more money. We would love to send the crews, but there is no money in the account.

I said: Do not worry about it; there is a bill coming through the Senate for this exact purpose—only to find out maybe the bill is not for this purpose. That is why I am going to offer this amendment in a few minutes, sometime tonight, and hopefully we can get it resolved.

The Senator from Nevada, because he is the ranking member on the Energy and Water Development Subcommittee which funds the Corps of Engineers, knows how important this particular fund is for the regular maintenance of a levee system, not after the Governor calls it a disaster. This is for maintaining the levees before the storms hit to prevent damage, to minimize damage, and save people's lives and property.

There are other accounts that kick in once something is declared an emergency. That is not what I am talking about. There is no money in the account right now as we speak to prevent and repair the levee.

The Senator from Alabama on the floor. I know he is going to speak on another subject. But there is no money to repair levees in Alabama, which is a coastal State, or any State. The account is zeroed out.

I yield the floor and reserve the right to offer my amendment later tonight.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, there is still \$330,000 left in this account. It is a strange account. There has been ex-

traordinary activity in this account because of the tornadoes that hit the Midwest this year. That is why it is now depleted. There is \$60 million in the 2004 bill which will be coming before the Senate next week.

We are dealing with a question of how much money might be needed for prevention in the period between the time this bill is enacted and signed, which we hope will be sometime before the end of this month. At most, we are dealing with 8 weeks of money that might be called upon on the basis of a Governor's request and a Presidential declaration of disaster in taking preparatory steps to prevent further damage.

Again, I am on notice that at least two other Senators intend to ask for similar money. I am told by the people who handle this money that the most that could be used is \$10 million. I am prepared to offer an amendment—I will do it or ask the Senator from Louisiana to offer it—that will put \$10 million in this fund to remain available for expenditure. That means, if it is not used in 2003, it will carry over to 2004.

Right now there are no demands, obviously, because there is still some money in the account. In order to be safe, we are willing to ask for an additional amount of \$10 million for this fiscal year, 2003.

I inquire, does the Senator want to offer an amendment for \$10 million or shall I offer it?

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I am happy to let the Senator offer that amendment. I will support the amendment, but the last telephone call I made to the Corps emptied their fund of \$600,000, and if there was \$300,000 in that account this morning, it should be empty now because the money is heading to Louisiana to fix some levees.

I thank the Senator for his help.

AMENDMENT NO. 1206

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 1206.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Making emergency appropriations to the Corps of Engineers for emergency assistance)

At the appropriate place, insert the following:

“: Provided further, That for an additional amount for “Flood Control and Coastal Emergencies,” for emergency expenses due to flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act of August 16, 1941, as amended (33 USC 701n), \$10,000,000, to remain available until expended:”

Mr. STEVENS. Mr. President, this is for the Corps of Engineers flood control

and coastal emergencies fund. It will be available immediately upon the signature of the President.

This bill does have a clause that makes funds in this bill, title III, immediately available to the President for disbursing.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to be added as a co-sponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there is no further debate on the amendment, without objection, the amendment is agreed to.

The amendment (No. 1206) was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, while the Senator from Louisiana is here, I say to her, I think she did the right thing. I am the ranking member on the Energy and Water Development Subcommittee. The President requested \$75 million for this account this year. Senator DOMENICI and I are going to mark that bill up and pass it out shortly.

As the Senator from Alaska said, if, in fact, there is an emergency, we have this money in there, of course. Also, if anything goes wrong within the next 60 days before the 2004 bill passes, money can always be used from FEMA if there is an emergency. For the people of Louisiana, I hope there is no natural disaster but if there is, it is not as if there is no way of helping them.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 1202

Mr. SESSIONS. I thank the Chair. Mr. President, I appreciate the opportunity to make some remarks. I thank Senator STEVENS for his courtesy in allowing me to have this time.

I ask that the pending business be set aside, and that the amendment I previously filed, No. 1202, be called up for debate.

The PRESIDING OFFICER. There is no amendment that needs to be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 1202.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate the additional amount for programs under the National and Community Service Act of 1990)

In title III, strike the following: "Provided further, That for an additional amount for 'Corporation for National and Community Service, National and Community Service Programs Operating Expenses', for grants

under the National Service Trust program authorized under subtitle C of title I of the National and Community Service Act of 1990 (the 'Act') (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program) and for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), \$100,000,000, with funds for grants to remain available until September 30, 2004, and funds for educational awards to remain available until expended:".

Mr. SESSIONS. Mr. President, the amendment I have offered will remove the \$100 million that is contained in the emergency supplemental section. I think it is wrong to include it in the emergency supplemental appropriations bill. It apparently is not an emergency, and I wish to talk about that a little bit. It is certainly not good public policy for us to do this.

There are people in this Congress who support AmeriCorps and there are those who oppose it. My concern at this point deals with how this money has been added and whether or not it should be properly added.

The emergency supplemental that has been made part of the legislation moving forward tonight involves the expenditure of Federal money outside the budget we approved. I serve on the Budget Committee. We worked hard to develop a budget of which we felt proud and on which we could agree. Frankly, with the deficits we are facing, I thought the budget was a little higher than I would have liked to see but it had a modest growth across the board in all areas.

We agreed on it, and it passed in this Senate. We understand that legitimate emergencies occur during the year. We understand that when those emergencies occur, it is appropriate for Congress to appropriate emergency funding for them. This emergency funding agreement has some valuable items in it. We have a number of emergencies today but there has been a tendency—and I would say it is not a good tendency—to add to the emergency supplemental general items of appropriation that people would like to see be passed and be paid for.

I remember talking with a senior member of the House of Representatives. We wanted to get a bill passed that would help Alabama. I talked to him about how we might do this. He said: Jeff, we need to look for a supplemental.

I said: Well, good.

He said: Do you know why?

I said: No.

He said: The reason you want a supplemental is it does not count against the deficit.

Well, I thought that was kind of amusing. I said: What do you mean it does not count against the deficit? It is money we spend.

He said: I do not know. It is just money that does not get counted against the deficit.

What he really meant was it does not count against the budget. If you spend something extra, under a normal appropriations bill and you exceed the

budget, or you should stay within your budget, the appropriators try to do so and if they spend money on one item they have to save money on something else. They have more requests than they can fund so they take the money and they reduce it to fund what they want. Some things do not get funded. One great way to get something done that one wants done in their district, that they believe in, that is easy to do, that requires no offsets, no competing against any other appropriations, is to tack it on to an emergency supplemental. Of course, it does add to the deficit. It adds to our debt. It increases our debt. It is real money and it is a real expenditure. It just circumvents the budget process and the integrity of the budget process.

Frankly, a lot of these supplementals ought to be offset anyway. We could find \$1.9 billion to offset these emergencies we are funding. I know we did not. We do not have to. This is the kind of emergency bill that we normally face and we normally pass without offsetting. So that is the circumstance we are in.

I would like to go into that a little bit further. I want to say this before we get into the details of this amendment: Tomorrow is cost of government day. Cost of government day is a day in the calendar year when Americans have paid their share of Federal, State, local tax, and regulatory burdens. This year cost of government day is 4½ days later than last year. This means that from the beginning of this year, Americans have been working for the Government and will not stop working for the Government to pay their taxes until tomorrow. That is a big deal.

One of the best ways we have to maintain some control over spending is the budget process. This supplemental is outside the budget process. So I am concerned about it. So \$100 million, that makes us work just a little bit longer this year than we would have otherwise. By passing this amendment, we work a little less for the Government this year than would otherwise be the case.

I will go a little further. The AmeriCorps appropriation does not belong in title III to an emergency bill. Let me say why. Look at the bill itself. Here are the legitimate emergency fundings that are in this bill: \$1.55 billion for disaster relief and emergency assistance for fires and those kinds of events. That is important. That is a legitimate emergency, I think. At least historically we have considered it so. There is \$50 million to cover expenses for responding to the Space Shuttle *Columbia* accident. NASA has incurred some substantial costs as a result of that. This will not fully reimburse them for that but it will be a help. There is \$289 million for wildlife fire suppression and emergency rehabilitation activities. So I can understand those. Those are legitimate designations. While I would like to see us have offsets for that within the budget, that is not going to happen.

However, during the markup of this supplemental, without any real debate the committee agreed to an amendment to provide \$100 million in emergency supplemental funds for AmeriCorps not requested by the President. The President requested emergency funding for these other items. His budget people reviewed them carefully. The funds and numbers they asked for were subject to some scrutiny there. So in this emergency category, we have disaster relief, space shuttle accident, wildfires, and AmeriCorps. I do not think it belongs on this list.

I see the value in AmeriCorps but I have been concerned about it for some time as not being a well run agency. I have not led a fight against it on the Senate floor but I have had some serious concerns. They have been shared by a very knowledgeable person who cares about AmeriCorps and who cares about helping people in need.

I want to read from a press release from Congressman JIM WALSH, who is chairman of the House Appropriations Subcommittee on VA/HUD and Independent Agencies with oversight over AmeriCorps, the national service program.

This is a committee where this ought to be dealt with. It ought to be dealt with in our appropriations bill from our committee that deals with these very agencies. I want my colleagues to listen to the extraordinary comments that Congressman WALSH makes. Frankly, when I raised my objection to this addition to the emergency bill, it was based primarily on the process concerns and my generalized concern about the efficiency of AmeriCorps. I did not realize AmeriCorps had misbehaved as badly as it has. This is what Congressman WALSH said:

I have been a strong and consistent supporter of the AmeriCorps program throughout my tenure in the United States Congress. Hundreds of volunteers have accomplished some amazing things in communities across my home State of New York. As a returned Peace Corps volunteer—

He is talking about himself—

I recognize and appreciate the value of this service program for local communities, program participants and our Nation at large. In fact, I was a supporter of its mission and opportunity the day the program was signed into law by President Clinton, and remain a steadfast supporter today.

Now I would like to share the concerns of this strong supporter. He says this:

However, AmeriCorps has been sadly plagued by poor management and weak financial oversight by program managers in Washington since its inception. Repeatedly, AmeriCorps administrators have overestimated capacity and underestimated available resources. This Congress has repeatedly instructed AmeriCorps to reform its management and to improve its accounting procedures, all the while working to live up to the commitments to its current participants.

Most recently, just two months ago this Congress appropriated an additional \$64 million in supplemental funding to close another budget gap, this time to cover agency

overspending of funds clearly designated to cover existing volunteers' educational stipends.

So he says just 2 months ago we appropriated another \$64 million to cover overspending by this program. Why do we need extra money? Because they overspent. They mismanaged and they came back 2 months ago and got \$64 million. That is not enough. They want another \$100 million.

Quoting Congressman WALSH, this supporter of AmeriCorps:

In the fiscal year 2003 bill—

That is the bill we are operating under this year—

Congress provided necessary funding to cover the enrollment of 50,000 volunteers nationwide. Federal law set that as the enrollment limit, and AmeriCorps administrators agreed to it. In response, those same administrators went out and contracted with grantees and local agencies for 70,000 volunteers without the money or the authorization to do so.

I am just quoting Congressman WALSH.

He goes on to say:

My opposition to the Senate's supplemental AmeriCorps appropriation proposal comes down to an issue of accountability. We shouldn't reward an agency that violates federal law and mismanages taxpayer dollars by providing additional funding until clear and consistent reforms have been enacted. Should these requested funds be appropriated, I have little faith that the existing operation could get the funding out of Washington to local community grantees effectively or equitably by the end of this fiscal year on September 30th.

The positive impact AmeriCorps volunteer programs have across the country makes this a difficult decisions to make, but I truly believe that this action is necessary if true reform is to occur and the agency's long-term stability secured.

At the same time, I look forward to constructing an FY '04 appropriations bill that adequately meets the growing role AmeriCorps volunteers have been asked to play by increasing ranks and expanding opportunities should agency leaders be able to demonstrate their commitment to improving management practices, reforming financial operations, and strengthening grant procedures.

So we are being asked to tack on to an emergency bill an AmeriCorps supplemental of \$100 million in addition to the \$64 million in supplemental funding added to close another budget gap earlier this year, and we still do not have reform and an understanding that we are going to fix the out-of-control agency. This is an important matter.

I note that Mr. Thomas Schatz, the president of Citizens Against Government Waste, has written. He strongly supports this amendment. He notes that:

... striking anomaly about AmeriCorps is that it is not a volunteer program at all. Rather, it recruits college-age students for paid positions and then uses taxpayer dollars to subsidize the organizations that hire these recruits. Those hired by AmeriCorps participants cost taxpayers a bundle. An August 1995 GAO audit of 93 AmeriCorps grantees found that programs operated by nonprofit, state, and local agencies received about \$25,800 in cash and in-kind contributions per participant.

I don't know whether the program is worth it in the long run or whether it can be affirmed in the long run, but what I would say is that it is unlikely the money can be gotten out before the next fiscal year. Why not have the money go through the normal legislative process and be in next year's budget? It is really for scholarships for these people who work; they promise to give them scholarships in the future. They won't be drawing the scholarships down for 2 years more. I don't think we have to do it this year.

The situation with their management is worse than I thought. It should not be on this emergency bill.

If we are going to get serious about spending, this is the kind of thing on which we all ought to be agreed. This is the kind of thing to which we have to say no. If we have to give more to AmeriCorps, let's do it in the appropriations account where we have a budget cap and it will compete against other items in that cap. If it merits additional funding, so be it. If it does not merit it, so be it. Let us not tack it on to the debt. This will be paid for in no other way but by increased debt. I don't think we ought to do it. I feel strongly about it.

I thank the Chair and I yield the floor.

Mr. STEVENS. Mr. President, I shall in a moment make a motion to table the Senator's motion to strike. I want to make sure, before the Senator leaves, that we have an understanding that after having made that motion to table, I shall move to set that motion aside until tomorrow morning, at which time I will ask for 10 minutes equally divided on my motion to table, to be divided in the usual form, which would mean that the Senator from Alabama would have half that time.

Mr. SESSIONS. I thank the distinguished chairman for his courtesies, as always.

Mr. STEVENS. I do not make that motion yet because the Senator from Maryland wishes to speak.

Ms. MIKULSKI. First to the chairman of the Appropriations Committee, will I have time tomorrow morning?

Mr. STEVENS. There would be 5 minutes. I am opposed, so I would be in control of 5 minutes, and I would be sure to allow the Senator from Maryland to have a portion. I would think Senator BOND might have a portion. I would have a minute, and you each would have 2 minutes. You can speak at length tonight.

Does the Senator wish more than that time tomorrow morning?

Ms. MIKULSKI. Of course, I first of all thank our colleague from Alabama for offering this amendment earlier this evening. I would like about 3 minutes.

Mr. STEVENS. We will assure the Senator has 3 minutes.

Ms. MIKULSKI. But I want to make sure my reform-minded colleague, Senator BOND, can speak.

Mr. STEVENS. We will do that.

Ms. MIKULSKI. I understand my colleague from Alabama, who offered this amendment, is in an armed services conference. I say to the Senator I appreciate the demands on his time. I will say some things and have a more elaborate statement, but I thank the Senator for leaving the conference and I thank the Senator for offering this amendment earlier in the evening.

Mr. SESSIONS. I thank the Senator for her comments. I will have to depart.

Ms. MIKULSKI. I state to the Senator from Alabama some facts. First of all, the reason this is being declared an emergency is that if this \$100 million is not in this appropriation, 20,000 volunteers will lose their slots. I want to speak about the debacle and the bureaucratic boondoggle at the national corporation.

I say to my colleague from Alabama, he is absolutely right, but what he should know is that the VA-HUD subcommittee chaired by Senator BOND has been in the forefront of reform. I say to our colleague that our April 15 hearing was when we found out that AmeriCorps, National Corporation, had enrolled 70,000 volunteers when we had given them money for 50,000 volunteers. I want the Senator to know that we went ballistic. Also, the Senator should know we called the board the Enron corporation of nonprofits. I later wrote to the President asking for more money, a better board and the resignation of Mr. Lenkowsky.

The criticisms are there, but when you talk about the need for accounting reform and transparency and all of the excellent things, the Senator should know that our colleague, Senator BOND from Missouri, chairman of the committee, has been a leader in shaking up the agency and I have been his very able partner. We have insisted on a new CFO. We have insisted on better procedures. We have been doing this, and I might add, we were doing it, sir, when the House wasn't paying one bit of attention.

It was our oversight hearing that found under this rock were a lot of other rocks, and under those rocks were worms.

We know that. We agree with that. What we do not want to do, though, is punish these volunteers and the communities they serve because of the overenrollment. In all honesty, what you should know is that if this supplemental does not occur, 20,000 volunteers will lose their slots, like in Teach America. There will be 395 in my State. I am sure my colleague will see them in his State.

So while we want to really throttle the bureaucracy—throttle the bureaucracy—we do not want to punish the volunteers and the communities we serve.

We are at a pivotal point—actually a crisis point. So that is why this is in the supplemental. The Senator is well within his rights to raise some of the questions he does. But from the stand-

point of the communities and these 20,000 volunteers, this is a pivotal point.

I could go on and tell you about the merits of AmeriCorps. I will not keep you. I will have more things printed in the RECORD. I am very mindful of your time.

But I wanted to say to my colleague from Alabama, his call for reform? We issued it even years ago. We have really been pressing. Actually, I think with this new CFO, you would like him very much.

But I really have to defend Senator BOND's efforts in moving for administrative reform. I want to say these administrative problems also predate President Bush's time. I do not know if the Senator would like to comment on that. My next set of remarks will be about AmeriCorps and the consequences of this. But I wanted to share those facts with the Senator.

Mr. SESSIONS. I thank my colleague. The Senator from Maryland is one of our exemplary Members. She manages details and watches things better than most. I am glad she made some strong efforts to reform this program.

I have two concerns about it. My original comments, when I saw the supplemental on this bill, went to the fact I did not think it should be on this bill. I did not realize the program had really gotten as far off course as it has, and been mismanaged as badly as the Senator just has stated. So it seems to me what we are doing is, by having this on the emergency supplemental, as the subcommittee in charge of oversight over the program that admits it has been out of control, that subcommittee will be able to get extra money to finance that mismanagement without it coming out of its appropriated, allocated amount by shifting it purely to debt, which is what the supplemental is going to be funded by, additional debt. I think it would be better frugal management if we could put it on next year's bill that you probably are already beginning to work on. That would be accountable under the budget.

I am delighted the Senator is working on accountability. I know there is no Senator here who has a deeper commitment to integrity in the process than the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I would say on a bipartisan basis we were working for very strong administrative management and fiscal reform. We have worked. It was our committee that uncovered this fiasco in April. We have been, since, working with OMB on management improvement as well as accounting flexibility to get them over the hump. Remember, it is volunteers who will be penalized. It will be volunteers and communities that will be penalized, not the bureaucracy. The bureaucracy gets to keep their jobs. They get to move papers around. It is the volunteers who are going to be punished.

So we have a difference of opinion about how you can get reform. But we

did move in accounting flexibility, when this Senate passed it 100 to nothing. We did it in 1 day, the House the next day. The President was able to sign it. But flexibility without funds was a hollow victory. So we need the \$100 million to cover the rest of the quarter so these 20,000 volunteers do not lose their slots.

That is why this is in this supplemental. It was our original intent, Senator KENNEDY and I were going to offer this amendment on the floor. But we understood there was sympathy for our position at the White House no commitments, no guarantees, but sympathy. I must say, the President, in his State of the Union, called for a spirit of voluntarism. The outpouring has been tremendous. What happened was they ended up overenrolling. But we are now going to snuff out the spirit of America, snuff out the call to service the President himself requested. We are going to trample on the very ideals these young people want to bring to their communities.

We cannot trample on their idealism. We should not snuff out this opportunity because there is a bureaucratic boondoggle. The "boon" ought to go to the "dogglers," not to the volunteers.

So we believe this modest amount of money, in the overall trillion dollar budget, would be a bridge to get AmeriCorps over troubled waters and would ensure these volunteers would have their jobs.

In Maryland, 395 volunteers would be cut from civic work which remodels and rehabilitates homes, tutors kids, works in a variety of ways in these very poor neighborhoods. I personally know what they have done to rehabilitate boarded-up houses.

The Baltimore Reads program, the Teach America program—I could list them. But it is not about programs; it is about people helping.

I am going to tell you the story of a young man named Mark who was an AmeriCorps volunteer who came to Baltimore and went into one of our poor schools where kids were performing at the 25th percentile. When he left after his 3-year stint, they were performing at the 70th percentile. And, because of the voucher he had earned, he was able to pay down his student debt and therefore be free to get a master's in teaching, and he is now a full-time teacher in Baltimore schools because he so loved what he had come to, the sense of accomplishment that had come from being a volunteer in Teach America.

We believe this is \$100 million in an emergency supplemental that will help these volunteers do what they want. They will answer the call for service of our own President. The communities and the volunteers will not be punished for bureaucratic mismanagement. We have worked on reform. The reform efforts have been a bipartisan effort. The leadership for greater accountability has been led by our colleague from Missouri and we think we have real momentum now. The White House is

watching over this program. The board is now engaged. I believe a new CEO is on the way. We have the right CFO to help us with the financing accountability. There needs to be this bridge to get these 20,000 volunteers over the troubled waters. This is why I believe it should stay in the supplemental and I hope the majority of the Senate would concur with that.

Mr. NICKLES. Will the Senator from Maryland yield for a question?

Ms. MIKULSKI. To the Senator? Of course.

Mr. NICKLES. I thank my friend from Maryland. I am looking at the language. It says the funds for AmeriCorps, on page 54:

... with the funds for grants to remain available until September 30, 2004, and funds for educational awards to remain available until expended. . . .

Correct me if I am wrong. Almost none of this money will be spent in 2003, and this basically is an appropriation for 2004. Why don't we do this in the 2004 bill instead of now? It doesn't seem to me to fit into the definition of assistance. We only have 2½ months left in fiscal year 2003. I don't know why we are doing this amendment on this urgent supplemental. I don't think it fits that definition.

Could you tell me, is any of this money going to be spent in 2003, and why isn't this really an appropriation for 2004?

Ms. MIKULSKI. I see what the Senator is saying: "To remain available until." That means if for some reason they don't use this, it would expire. That doesn't mean it begins in 2004. It means that it will be available through 2004.

Mr. NICKLES. Madam President, I want to make a statement, if my colleague from Maryland is finished. I want to speak on the amendment.

Ms. MIKULSKI. Let me doublecheck this. We have a little disagreement. I will be right here.

Mr. NICKLES. Madam President, I inform my colleague from Maryland that CBO estimates that there will be zero money spent in 2003.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Oklahoma.

Mr. NICKLES. Madam President, I wish to compliment my colleague, Senator SESSIONS from Alabama, for raising this amendment. I urge our colleagues to support it.

I tell my friend and colleague, the chairman of the Appropriations Committee, that I understand the publicity that AmeriCorps has received because it has not been managed properly. But this does not belong in this bill. The urgent supplemental for 2003 is to help pressing needs which has to be done now and that can't wait until the 2004 appropriations process.

I have great confidence that the Senator from Alaska and our colleagues in the House are going to finish appropriations bills on time. They will be done by the end of September.

But this particular provision says there is \$100 million and it will be

available to be spent through the end of 2004.

Incidentally, the educational awards granted after people provide voluntary paid services—kind of a contradiction in terms—but after they provide their public service, they are entitled to reap educational awards equaling about \$5,000 per year; that is, for future—that should be dealt with in the 2004 bill. It shouldn't be dealt with now. It doesn't belong on this bill.

In April, we gave AmeriCorps \$64 million. There has been some mismanagement, obviously. But we knew about that in April. We gave them \$64 million in April. How much is enough?

If this is not going to be spent in 2003 and the Congressional Budget Office, which is our budget arm, says this money isn't going to be spent in 2003—they say most of it won't be spent in 2004.

I think what has happened is some people have read some articles and got excited, saying we will be able to slip this in and we will have an extra \$100 million to spend for next year and we will do it under the guise of an emergency. That requires 60 votes. We just gave them \$64 million additional money in April. If we find out that this money is available to be spent anytime up through the end of next year, it is really a 2004 appropriation. It doesn't belong in a 2003 urgent supplemental bill that we use for fire, for FEMA, and for real emergencies. It doesn't fit that definition. It wasn't requested by the administration.

I will make a couple of other comments on the program.

When we talk about wanting to encourage and help volunteers, this program costs about \$18,000 per year per participant. That is a lot of money. When we talk about volunteers, we are talking about a cost that is very high. It has payments to the individual, it has payments for daycare, it has payments for health care, and it has educational assistance of about \$1,000 per year. It ranges from \$20,000 to \$18,000 per person. That is a lot of money to be paying for "volunteers" to do a lot of services that, frankly, most people do for free or most people donate for charity. Most people volunteer and are not paid.

I just make these comments. This is a program that has run amuck and that has not been well managed. Now we are rewarding that poor management and doing it under the guise of emergency in 2003 when we only have 2½ months left in this fiscal year and we are going to add \$100 million. CBO estimates that every single dollar of this will be spent not in 2003 but in 2004 or 2005 or later.

To try to stick it in under the guise of emergency for 2003 is very inappropriate. I think it violates the whole spirit of what we call an "emergency."

I urge my colleagues to vote for the amendment of Senator SESSIONS.

I might also mention this jeopardizes some things. I want us to be very fru-

gal when we use emergency designations because we shouldn't be doing that.

When we say it is an emergency, we are saying that basically the budget doesn't fly, we don't need a budget, and we are going to have emergencies. But we have a higher threshold of 60 votes for emergency spending. This is thrown in the same category of emergencies, FEMA and firefighting. I don't think that is correct. I don't think that is right.

The best way to solve it would be to adopt Senator SESSIONS' amendment. I urge our colleagues to do so when we vote on his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I now move to table the motion to strike filed by the Senator from Alabama. I ask unanimous consent that my motion be temporarily set aside and that the Senate resume consideration of my motion on Friday at a time to be determined by the majority leader after consultation with the Democratic leader.

I further ask unanimous consent that there then be 15 minutes for debate equally divided in the usual form with not less than 3 minutes of that time being available to the Senator from Maryland and that there be no other amendments in order.

I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. STEVENS. Madam President, I know of no future amendments, unless there is one that has come from the other side. I inquire if there are any other amendments to be filed this evening.

The inquiry is, Why can't we finish tonight? We can't finish tonight because we have a large number of Senators involved in the Judiciary Committee consideration of the asbestos problem. We have been asked not to have the votes. But we have agreed to have them tomorrow morning as early as possible. That would be determined by the leader.

Mr. REID. Madam President, I have been dealing with military construction. Are we about finished with this bill?

Mr. STEVENS. We are at the place where I am inquiring whether there are any further amendments to be offered.

AMENDMENT NO. 1201, AS MODIFIED

Mr. REID. Madam President, I ask unanimous consent that amendment No. 1201 offered by Senator FEINSTEIN be modified. When the chairman and I corrected it, we put the number only in one place and we need to put it in two places.

Mr. STEVENS. I saw that myself. I was about ready to do that.

Mr. REID. I ask unanimous consent that it be modified with the language that is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1201), as modified, is as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) ADDITIONAL AMOUNT FOR CO-OPERATIVE FORESTRY ASSISTANCE.—The amount appropriated by title III of this Act under the heading "Department of the Interior, Bureau of Land Management, Wildland Fire Management" is hereby increased by \$25,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by title III of this Act under the heading "Department of the Interior, Bureau of Land Management, Wildland Fire Management", as increased by subsection (a), \$25,000,000 shall be available for emergency actions to reduce the threat to human safety in areas declared under a State of Emergency by the Governor of any State due to the danger of catastrophic fire from dead and dying trees including—

- (1) clearing of evacuation routes;
- (2) clearing around emergency shelter locations;
- (3) clearing around emergency communication sites; and
- (4) clearing buffer zones around highly populated communities in order to prevent fire sweeping through such communities.

Mr. REID. Madam President, I have an amendment also for the Senators from Utah, Idaho, and Nevada dealing with the problem that I talked to the Senator from Alaska about. Crickets have eaten up parts of their States.

Mr. STEVENS. Madam President, it is my understanding that the amendment is offset completely and it would be appropriate to consider it at the present time.

Mr. REID. That is true.

AMENDMENT NO. 1210

Mr. REID. Madam President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1210.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the use of funds of the Commodity Credit Corporation for the suppression and control of the Mormon cricket infestation on public and private land in Nevada, Utah, and Idaho)

At the appropriate place, insert the following:

SEC. \_\_\_\_ MORMON CRICKET CONTROL.

The Secretary of Agriculture shall use \$20,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, for the suppression and control of the Mormon cricket infestation on public and private land in Nevada, Utah, and Idaho, that amount to be expended in equal amounts among the 3 States.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. Madam President, it is my understanding that this amend-

ment is offset by transferring money from the Commodity Credit Corporation.

Mr. REID. That is true.

Mr. STEVENS. I have no objection.

Mr. REID. Madam President, Mormon crickets eat nearly anything in their path. They can grow to 3 inches long and travel a mile a day as they eat sagebrush, lawns and crops.

Over the course of the last several years, Mormon cricket infestations have doubled each year in Nevada, and have seen similar rapid growth in Utah and Idaho.

More than 2 million acres of northern Nevada were crawling with these pests last year, the worst infestation in the State for 40 years.

It was an even larger infestation than the 1990-91 infestation that briefly shut down I-80 as the crickets made the road greasy and caused car accidents.

This year, the crickets are hatching three weeks earlier than normal and could more than double from last year's record-setting infestation in Nevada.

While some Federal funding to try to control Mormon crickets has been made available, it falls far short of what is needed.

While State officials understandably spend funds to try to control existing outbreaks, little funding is available to take preventive measures necessary to end this plague of the Great Basin.

My amendment would provide \$20 million to be equally divided among Nevada, Utah and Idaho to get this plague under control and eradicated.

The funds would be provided from the Commodity Credit Corporation and would remain available until spent.

Mr. NICKLES. Madam President, I take this opportunity to inform the members of this distinguished body about S. 1383, the Legislative Branch Appropriations bill for fiscal year 2004, as reported by the Senate Committee on Appropriations.

The pending bill provides \$3.7 billion in new budget authority and \$3.1 billion in new outlays for fiscal year 2004 to fund the operations of the Senate and House of Representatives; the Architect of the Capitol; the U.S. Capitol Police; and the Library of Congress. With outlays from prior years and other completed actions, the Senate bill totals \$3.7 billion in budget authority and \$3.7 billion in outlays.

For discretionary spending, which represents the bulk of the funding in this bill, the Senate bill is \$37 million below the subcommittee's 302(b) allocation for budget authority, and it is \$43 million in outlays below the 302(b) allocation. The Senate bill is \$227 million in BA and \$0.9 billion in outlays below the President's budget request.

In addition to providing appropriations for fiscal year 2004 for the legislative branch, the committee-reported bill contains various supplemental appropriations for fiscal year 2003. The fiscal year 2004 concurrent resolution

on the budget, H. Con. Res. 95, established levels for fiscal year 2003 and provided an allocation (pursuant to section 302(a) of the Congressional Budget Act of 1974) to the Committee on Appropriations for fiscal year 2003 in the joint explanatory statement accompanying the resolution, see page 103 of H. Rpt. 108-71.

The committee has designated all the appropriations for fiscal year 2003 as an emergency requirement pursuant to section 502 of H. Con. Res. 95. As a result, these emergency appropriations do not count against the committee's allocation.

As a point of information, I would like to call my colleagues' attention to section 302(c) of the Congressional Budget Act. Section 302(c) provides that it is not in order to consider a bill making appropriations for a fiscal year until the Committee on Appropriations has made the sub allocations required by section 302. It appears that the Committee on Appropriations has yet to file 302(b) allocations for 2003. This point of order may be waived, or a ruling of the Chair appealed, with 60 votes.

The fiscal year 2003 supplemental funding in this bill includes \$1.889 billion requested by the President as an emergency requirement, and an additional \$100 million added by the Senate appropriations committee. I am concerned that very little of the President's request or the additional \$100 million is worthy of the emergency designation provided for in section 502 of the H. Con. Res. 95, the fiscal year 2004 budget resolution. The criteria for designation as an emergency are that the funding is 1. necessary, essential, or vital (not merely useful or beneficial); 2. sudden, quickly coming into being, and not building up over time; 3. an urgent, pressing, and compelling need requiring immediate action; 4. unforeseen, unpredictable, and unanticipated; and 5. not permanent, temporary in nature.

While some of this funding may be necessary, it is not "sudden" or "urgent." The President requested and Congress approved a \$78.5 billion fiscal year 2003 supplemental just 3 months ago, and there is no reason why these requests could not have been considered at that time. Further, the Congressional Budget Office reports that only \$37 million of the \$2.0 billion in emergency budget authority in this bill will actually be spent in the 3 months remaining in this fiscal year. All of this \$37 million is attributable to the budget authority provided for wildfire suppression and the space shuttle. Thus, the balance of this funding could instead be addressed in the regular fiscal year 2004 spending bills.

Therefore, I strongly urge the President and the conferees on this legislation to consider carefully if all of this emergency supplemental funding should be retained in the final version of this bill.

I ask unanimous consent that two tables displaying the Budget Committee

scoring of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CURRENT STATUS OF FY 2003 APPROPRIATIONS

(Fiscal year 2003, in millions of dollars)

	General purpose	Mandatory	Total
Enacted to date:			
Budget authority .....	844,986	391,344	1,236,330
Outlays .....	846,706	378,717	1,225,423
Emergencies in the Senate-reported Legislative Branch Bill: <sup>1</sup>			
Budget authority .....	1,989	.....	1,989
Outlays .....	37	.....	37
Total that counts against 302(a) allocation to Appropriations Committee:			
Budget authority .....	844,986	391,344	1,236,330
Outlays .....	846,706	378,717	1,225,423
302(a) allocation to Appropriations Committee: <sup>2</sup>			
Budget authority .....	844,986	391,344	1,236,330
Outlays .....	846,706	378,717	1,225,423
Difference between total and 302(a) allocation:			
Budget authority .....	.....	.....	.....
Outlays .....	.....	.....	.....

<sup>1</sup> Section 502(c)(2) of H. Con. Res. 95, the Concurrent Resolution on the Budget for FY 2004, states that any provision designated as an emergency requirement shall not count for purposes of section 302 of the Congressional Budget Act of 1974 and section 504 (relating to discretionary spending limits in the Senate) of H. Con. Res. 95.

<sup>2</sup> H. Con. Res. 95, the 2004 Budget Resolution, set out budgetary aggregates not only for 2004, but for 2003 as well. As a result, the joint statement of the conference committee on H. Con. Res. 95 (page 130 of H. Rpt. 108-71) included the allocations that are required by law (section 302 of the Congressional Budget Act) for 2003 to the Committee on Appropriations.

#### S. 1383, LEGISLATIVE BRANCH APPROPRIATIONS, 2004—SPENDING COMPARISONS—SENATE-REPORTED BILL

(Fiscal year 2004, in millions of dollars)

	General purpose	Mandatory	Total
Senate-reported bill: <sup>1</sup>			
Budget authority .....	3,575	109	3,684
Outlays .....	3,637	109	3,746
Senate Committee allocation:			
Budget authority .....	3,612	109	3,721
Outlays .....	3,680	109	3,789
2003 level:			
Budget authority .....	3,468	104	3,572
Outlays .....	3,332	103	3,435
President's request:			
Budget authority .....	3,802	109	3,911
Outlays .....	4,495	109	4,604
House-passed bill:			
Budget authority .....	3,480	109	3,589
Outlays .....	3,599	109	3,708
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority .....	(37)	.....	(37)
Outlays .....	(43)	.....	(43)
2003 level:			
Budget authority .....	107	5	112
Outlays .....	305	6	311
President's request:			
Budget authority .....	(227)	.....	(227)
Outlays .....	(858)	.....	(858)
House-passed bill:			
Budget authority .....	95	.....	95
Outlays .....	38	.....	38

<sup>1</sup> This total includes an adjustment for House-only items (from the House-passed bill) that were not considered in the Senate. In accordance with Section 502(c)(2) of H. Con. Res. 95, the Concurrent Resolutions on the Budget for FY 2004, this total also excludes \$714 million in emergency outlays from the FY 2003 supplemental appropriations in Title III of the bill.

NOTE: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

#### MITIGATION FROM DEVASTATING FLOODS IN WEST VIRGINIA AND THE UPPER PENINSULA OF MICHIGAN

Mr. LEVIN. Madam President, Senators BYRD, STABENOW, and I would like to engage in a colloquy with Senator REID, the ranking member of the Energy and Water Development Subcommittee and TED STEVENS, Chairman of the Full Committee.

Mr. BYRD. In West Virginia, torrential flooding is becoming an annual

event—since 1993, the State has had 11 federally declared disasters. In this year alone, the State has had two federally declared disasters. In the latest round of devastating flooding in the State last month, 12 counties were declared Federal disaster areas. Homes were damaged or destroyed, and the severe impact on the infrastructure in the southern part of the State—from roads, bridges, water and sewer, to power sources—has brought a normal way of life to a screeching halt once again.

Ms. STABENOW. In May of this year, unusually heavy rainfall occurred in four counties of the Upper Peninsula of Michigan causing rivers and streams throughout the area to swell out of their banks, inflicting severe and widespread damages. The greatest damages occurred in Marquette County where an earthen dike at Silver Lake Basin failed, sending an estimated 8 billion gallons of water cascading downstream through the city of Marquette toward Lake Superior.

The floodwaters destroyed or damaged numerous public and private structures and caused unprecedented environmental and ecological damage within the Dead River Basin and into Lake Superior in Marquette County. Two power generation facilities were damaged. One of the power generation facilities, the Presque Isle plant in the city of Marquette, resulted in shutdown for more than 30 days.

Without power, two iron ore mines, which produce about 20 percent of our Nation's annual iron ore output, were shut down, idling 1,200 workers. Dozens of other area businesses, institutions and private homeowners were also seriously impacted. Three of the four counties affected are impoverished, with a majority of the population over 65 years of age. Local governments simply do not have the capital to pay for the public damages. Without an infusion of Federal aid, Marquette and the other three counties will have a difficult, if not impossible, task of recovering from this disaster.

Mr. LEVIN. Normally, our States would be able to rely on the operations and maintenance account for the corps to help repair damages to public facilities, such as obstructive deposits in flood control streams, bank erosion threatening public facilities, damages to other public infrastructure such as water and sewer facilities. Additionally, funds provided will allow the Army Corps to repair weather-related damages that have occurred to Federal infrastructure. However, it is our understanding that the fund has been depleted for this year.

Mr. REID. Unfortunately, your understanding is correct.

Mr. BYRD. It is our hope that you and Senator DOMENICI, when drafting the Fiscal Year 04 Energy Water Development Act will be able to address these emergencies in these two States, as well as others that have experienced

massive flooding in this exceptionally wet spring.

Mr. REID. Senator DOMENICI and I will be marking up the Energy and Water Development Act for Fiscal Year 04 next week in both subcommittee and full committee. We recognize the needs of both States for flood mitigation, including stream and river restoration, bank stabilization, infrastructure repair and restoration, water and sewer repairs, and fresh drinking water in some areas. We will do everything we can to address these needs in the Fiscal Year 04 bill.

Mr. STEVENS. I, too, will do everything I can to support this critical work as we draft the Fiscal Year 04 Energy and Water Development Act.

Mr. LEVIN. We thank the Senator.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1210) was agreed to.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, at this time, I think that completes the amendments we know exist for this bill. And I ask the bill be temporarily set aside now so we may move to—

Mr. REID. If the Senator will yield, the only amendment we know of—

Mr. STEVENS. Madam President, I do ask unanimous consent that no further amendments be in order to the pending bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Madam President, I ask unanimous consent that the bill be temporarily set aside so we may proceed to the consideration of the military construction bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.